

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, January 9, 2024

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:02 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele
Absent: Commissioner District 2 Tom Goodson

C. PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

E.1. Resolution, Re: Recognizing Best Foot Forward for Pedestrian Safety

Chair Steele read aloud, and the Board adopted Resolution No. 24-001, recognizing Best Foot Forward for Pedestrian Safety.

*Chair Steele passed the gavel to Vice Chair Pritchett.

Result: Adopted
Mover: Rita Pritchett
Second: Jason Steele
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

Vince Dyer, Program Manager for Best Foot Forward, expressed his thanks to the Board for its support; he stated he has already selected the crosswalks in Brevard County, and they are already collecting data today; and they are excited to get started.

Chair Steele mentioned anybody who reads the newspapers has noticed all the pedestrian deaths that have happened in the last month; it has been really very sad; it is good timing for it; and he prays that this program will help reduce those types of deaths.

*Vice Chair Pritchett passed the gavel back to Chair Steele.

F.1. Approval, Re: Re: Interlocal Agreement with the City of Cocoa Incorporating a Specified Area into District 1's Road and Bridge MSTU

Lillian Leber stated like everyone else at this meeting, she is concerned about the encroachment and disruption of her quality of life that she loves, living in West Cocoa or unincorporated Brevard County; she remembers when Friday Road was pretty much the only paved street in that section; that is why the horse farms, small ranches, and one-acre developments moved in; it is paradise to her; it was close enough to the beaches and small enough areas, but far enough away from traffic, congestion, and crime; and there was, and still is, space and safety to walk horses on the road, ride golf carts on streets, bicycle with little or no traffic, and access to the side streets and driveways with little or no traffic. She added what they are planning in the quest of what she calls the almighty dollar, because she does not understand it, other than that, is to halt all these rights given by the County to those who chose this way of life, and now wants to take them away; and what the County is planning that she is seeing and believing is the maps, that truly make people question the sanity of the of the development of Windward Preserve. She stated she is not a civil engineer and she hates math, but it does not take a lot of wisdom and education to know that this will not work with current plans as proposed by the developer, Taylor Morrison; she is just going to do an elementary drawing on the overhead projector of the Friday Road area; she showed Friday Lane and

James Road, with Friday Road going through, she noted there are five roads intersecting in that one intersection; there are 385 homes in the back; and there is a residence where the white square is, probably 11 homes, on James Road, and maybe three along Friday Road, with 385 coming out to this intersection.

Traci Robinson stated she lives on Angelica Street, Canaveral Groves, and despite her attempts for about two years, she has been unable to receive information from District 1 about a major, new neighborhood; she had been repeatedly told that this Commission does not have any information, yet it seemingly had enough information to vote on matters pertaining to this neighborhood and the impending impacts, including the vote tonight on the Municipal Service Taxing Unit (MSTU); she mentioned Cocoa has created Lakes of Cocoa Grove Community Development District to govern and finance this new neighborhood, located at I-95 and State Road 528, and, incidentally, the five members of this district all reside in Miami and have no allegiance or commitment to Brevard County; the access road to this new neighborhood has been determined to be Angelica Street and Osage Street; the number of current homes on these streets is 42; and the number of homes planned for the Lakes of Cocoa Grove is 350, that is eight times the current traffic. She commented the Board is voting tonight to setup a new MSTU to fund necessary changes to the roads impacted by the new development; but her Commissioner keeps telling her that she has no idea how her road will be developed or maintained; she submits that it is vitally important for this Commission and the community that is impacted to be continuously involved in this project, because there are direct impacts to the homeowners; the City of Cocoa and the developers state that the County will be responsible for the ownership and maintenance of the access road; she asked if it is the City of Cocoa or Brevard County making the decision regarding the access road development and improvement; She stated District 1 keeps referring her to the City of Cocoa; and Angelica Street and Osage Street are in Brevard County, not Cocoa, so it would be Brevard County that should be in charge. She went on to say the streets need to be widened, and asked if this will involve eminent domain, could the current property lines be grandfathered in, how will stormwater drainage occur, how will the existing structures like fences be impacted and can they be grandfathered in, will speed bumps be installed to slow down the flow of eight times the amount of traffic, will a traffic light be installed at the new intersection of Angelica Street and Grissom Parkway, what would be the name of this new combined street, and where are the public records for all the necessary studies like environmental and traffic flow; all of that matters to her and her neighbors, because they are directly impacted by what happens to their road to accommodate this neighborhood and its 350 homes; she is disappointed with the non-answers she has been given; but she remains hopeful, that this Commission will do the right thing to represent her and her neighbors, and that starts with allowing them to be involved with the plans for the changes of their road. She stated she is personally willing to help in any way in which she can, to put her best foot forward, and do the right thing for this community.

Chair Steele advised there is not going to be any applauding right now; everybody is going to have to sit back and be pleasant, meaningful, and kind to everyone tonight; and he is not going to tolerate any other stuff.

Katie Delaney stated this is actually her community and she moved to that area because she is a horse girl; she wanted to live in a horse community; she wanted a place that had a great neighborhood feel, that had low traffic, and that she and her kids could safely ride their horses; this is a community, both the north and south ends, are a community of people who moved out to these areas for a certain quality of life; and these two neighborhoods are going to drastically change everything about their communities. She stated the amount of homes that are going into these two properties is far too much, not on traffic, but it is going to greatly affect their already existing flooding problems; both lots have a lot of wetlands on them, the northern property has a lot more than the southern property does; and she asked where is all of the

water going to go. She commented she understands the developers have to mitigate their own water, but what about the rest of the community; in Brevard, they see this all around the County by doing all of this development, and not really thinking about the long-term effects; that is why they are having so much flooding, because they have never had that before; she has lived here since 2000 and they never had flooding like that when she was growing up; and now, all of the sudden, flooding is everywhere. She noted she believes it is from all of the overdevelopment and not doing the right things to counteract that; as far as these roads go, she would not like to see these properties be developed into these types of communities with so many homes; but if she had to pick the lesser of two evils, she is asking the Commission to build the road behind Angelica Street, not through Angelica Street; and from what she read in the documentation provided, the Board is who decides that, so this is its chance to show the community that it is for the people and not for the special interest groups.

Tami Hoisington stated she lives on Pinto Circle and Pinto Circle is off of Ranch Wood Drive, which is off of Friday Road and James Road; there is a ditch, and then the new road 'James Annex' will have people driving right past her backyard with headlights in her back bedroom windows every night, and it is not a very pleasant thing; she kind of just wanted to do that for everybody else so they could get a feel of what it is going to be like; she comes from a firefighting family, that area has burnt before, and it will burn again because things do burn; there is one ingress and one egress, it is a County road which the city people say oh, well, that is none of their business, that is up to the County to take care of; and the County tells her, that is not its business it is all city annexed. She remarked no, the roads are County and so narrow; she stated they have horses along there, they have families that push little babies in strollers, they have tortoises crossing the road, which people stop and take off the road, they have all these different things that are natural and beautiful out there, and it is quiet and peaceful which is why she bought out there to begin with; these roads cannot handle 700-plus more cars, they just cannot, and something different is going to have to happen; if that area burns, they are going to need another way to get out, or they are going to have what happened in Paradise, California; she used to live in that area years ago when that happened and it was not pretty, they had 80 souls lost who were never recovered, because they could not get out and they were burnt to ashes; and it rained two weeks later, but their families could not recover them, and she would hate to see something like that happen to this area because it is just beautiful. She continued by saying there are so many wonderful people who live out there from the north to the south, and they are very concerned; all of those improvements that are going to happen to those County roads possibly, hopefully, and maybe; and she inquired who is going to be paying for that. She added it is going to go into peoples tax money and pulled out of their pockets, which is already pretty tight, because she and her husband are retired, and she is sure a lot of other people are and on tight budgets like she is; there are concerns of individuals driving too fast, kids already hot dogging it on these roads, they drive fast and they spin circles in the intersection where Friday Road goes off and where the James extension is; they are constantly doing stuff like that; and she asked how all of that is going to be handled, not to mention the school buses, all of the Amazon vehicles, all the delivery people, and all this other stuff that is going to happen there because of this addition.

Edmund Litwin stated he is supportive of the road going through Angelica Street or behind Angelica Street; he is living in that back area on Breezy Point Lane and if there is an emergency for police or fire to get there, it is an extra five miles to get from that area where he lives, and to go down to Canaveral Groves Boulevard to get out to Grissom Parkway; just like the previous lady said, if there is a disaster, how are they going to get out of there; and there needs to be another way in and out, it is just too confined over there.

Lance Boncek stated he lives on Angelica Street and he has been on that property for about 11 years, much like those folks who are here voicing their concerns, and he shares the same concerns; he has a family and has had the opportunity to raise two children out there with the luxury of being able to walk with his kids and having them start their lives by growing up in a really tight-knit community; with the opening of this road all of that is going to change, it is going to be a major concern; the previous lady mentioned individuals speeding and that they are going to be dealing with the increase of traffic and crime; vehicle burglary is going to go up; there will be an influx of new individuals that, whether from the area or passing through, and when increasing the overall population of that general area, they are going to start having some serious issues; having been a deputy himself, that is just a reality of what is going to happen once they go ahead and open up this area; and they are going to be opening up themselves for problems. He went on to say after having been out there for the past 11 years, he had heard rumors of this going on, but received zero answers up to this point; even with this meeting, it was outside of them reaching out, and himself passing out flyers trying to reach out to the community to let folks know what is going on; there has been little to no word and they are just left in the dark, as to what this new community is going to be doing, how it is going to mitigate flooding, how they are going to mitigate the traffic, what steps are going to be taken to protect the community as a whole, and in regards to the issues he is addressing here; overall, he is not for this; if there was an exit created off of S.R. 528 to access that community, that would be fine; but opening it up to a small street, he thinks there will be some serious issues.

Commissioner Pritchett stated just an overview on this, this had been an ongoing subject since the moment she was put in office seven years ago; they were planning on having something done within the first year or two; this thing has just been taking forever, trying to get everybody deciding what they want to do and how they want to do it; the people on Osage Street do not want the road; Alan Shepard Avenue does not want the road; Angelica Street does not want the road back; she does not know if there had been anything definite yet; and she still has not heard anything definite yet. She asked Ms. Sullivan to not call her a liar because she is not a liar. She explained it looks like it could be going to Angelica Street right now, but she does not know; she is still waiting for them to come back with data; tonight is just getting it proposed because they have to pay into the Municipal Services Taxing Unit (MSTU); and she asked John Denninghoff, Assistant County Manager, if that is correct.

Mr. Denninghoff responded yes.

Commissioner Pritchett stated they are going to put the subdivision in; they are high-end houses and with property rights allowing them to do so; they tried to leave the County, but it got put into the City of Cocoa a long time ago; the only thing the County was left with was the ability of trying to figure out how to have them make an exit; the County is still fighting, trying to get the best proposal possible; there is stormwater issues and many other problems with this whole thing; she wanted them all to know that upfront; she had asked Brightline continually to meet with the neighbors; she thinks there has been a lot of meetings; but, again, she is seven years into this and there still is not anything definite yet with all the things being worked out. She reiterated it does look like Angelica Street could be the path, if they do this; they are talking about cutting out a road under Grissom Parkway; she just does not know, it is just information she is hearing right now; and it is not even at a place where she could vote on it.

Richard Heffelfinger stated he thinks he has a solution, he does not like to bring problems, he likes to bring solutions, and he understands in 2004 there was a lawsuit and they are 20 years into this; the lawsuit had a legal statement made that they had to do certain things or they are not allowed to, and they were laying that on the developers; he thinks it was stated that the developer was responsible to build all of the improvements and pay for them; and he asked if

that is correct. He went on to say he would like to propose, as he pointed to where he lives on a map being shown on the overhead projector, which is next to Friday Road and that is a problem for him, they had this property annexed because it is contiguous property and it belongs to the City, all of the gray belongs to the City, what they need the builder to do give the County access to the development, right along this line of State Road (SR) 528, staying on the City's property and linkup with the apartment complex for their designated, no speed bumps, fast access in and out, fire and police will not have a problem, and the current residents will not get all of the traffic on their roads. He stated that is going to be expensive, but there is an Agreement that says they are going to pay for the roads needed; he asked if anyone had pitched that idea; he noted the one about Grissom Parkway is the gray stuff, it is still in the City, and to make them put a road in and to not mess with the people residing on Angelica Street, and for it to go through to the other side on the City's property; to connect Alan Shepard Avenue for those folks to have rapid access to the new road for services; a fire truck would have access in, instead of having to go all the way to Canaveral Groves Boulevard; and this sounds like a win-win to him. He stated he believes legally, that builder is responsible, and if the Board proposes that, that is what it takes to properly manage this traffic problem, and he thinks they have to build it; it is a place to start talking; he would give them an access to his Friday Road, if he had to for another way out; he thinks most people would say that is the slow way and they are not going that route, because they have to go down Friday Road and deal with the intersection at SR 524; and he does not want to do that, he would take the high speed way out by getting on SR 524, and heading down to I-95. He provided a map with drawings on it; he mentioned the Stipulated Agreement said they are to put Traffic Com in on James Road, Rector Road, and Rayburn Road; he asked if they cannot take the new road he drew; where they going; and he stated it is right in his backyard, and that sucks.

Commissioner Pritchett asked Mr. Heffelfinger if he would give her his piece of paper he drew on, because she could not see it well.

Mr. Heffelfinger responded sure; and he stated the map is from the Interlocal Agreement.

Sandra Sullivan thanked the Board for braving the weather tonight; she noted in May 2023, there was an Agenda Item that put the access off of Grissom Road onto Angelica Street, which was approved unanimously by the Board; what was interesting is she had seen a lobbyist for Brightline in this building; she had asked Commissioner Feltner about that and he had told her it was about burrow pits; she knew she missed something; and she went back to dig into it and saw what was really at play here. She stated she finds it interesting reading what Commissioner Pritchett had said at that meeting, that she had been working on this project for like seven months since the beginning of being in office; the issue here is, that she believes there is a breach of contract because it was in response to the 2004 lawsuit which the County lost; there was a court ordered Stipulated Agreement; part of that agreement was these developers would pay MSTU; but they have not. She went on to say the reason there is an Agreement today is because she had to make a Public Records request with the Clerk of Courts; there is no previous Interlocal Agreement for paying MSTU; these developers had not paid these MSTU taxes in 16 years; that is a breach of contract as far as what she see, but she is not an attorney; and maybe Morris Richardson, County Attorney, could comment on that. She pointed out page four of the Stipulated Agreement, which the County was kind enough not to upload despite her writing Frank Abbate, County Manager, asking for it to be included with the Stipulated Agreement in the Agenda Item; it says, the County shall have the option of choosing which access shall be acceptable, and that the developers agreed to pay all of the costs for the development of these roads; and this Item should have been an Agenda Item and since the Chair has assumed his Chairmanship, she would encourage him to put things under the actual Agenda Items. She stated according to the census, the one that determines whether a property is urban or rural, this is a rural property; the surrounding area by zoning laws should

be consistent with the surrounding area, and that is another discrepancy; and she hopes somebody else will bring up concurrency with the sewage plants.

Paul Donovan stated he lives on Angelica Street and he and his wife moved out there in 1989; they moved out there for the sole purpose that Angelica Street was the last road off of Canaveral Groves Boulevard; they could have peace and quiet back there; they build their house, rebuilt it, and rebuilt it again because they love it there, it is nice and quiet; then somebody purchased the property behind them and they tore all the trees down, that took care of all of the owls and all of the nature, they got rid of all of that, and then they could hear SR 528 behind them; it is really noisy now, and he is tired of that; and then, the Commission puts a high speed rail behind his house. He went on to say now they have carbon monoxide from SR 528 and they will have 5,000 to 8,000 cars going by his house every day with tractor trailers, dump trucks, and all kinds of things going by there now; they have egress to Grissom Parkway and are very concerned about their safety and security back there with what is going on in the country right now; if they have an egress to Grissom Parkway, people are going to begin looting in his neighborhood, and that is not wanted; this is very trying times right now and they have lived here for a long time; they love Brevard County; everybody in his neighborhood walks, jogs, they walk with their family and grandkids, they ride bicycles, and they have golf carts; and he reiterated they really love their neighborhood. He stated everybody is using that road and they like to go around the neighborhood without having cars going by at 50-60 miles per hour; they want to be safe out there; he reiterated they have been there since 1989 and it is a quiet road, and it has always been a quiet road; there is Canaveral Groves Boulevard and everyone has used Canaveral Groves Boulevard by getting a little egress, and going down little tributaries to get to their houses; there is no reason why these people have to have their own road to go just from a 700 home development on Angelica Street out to Grissom Parkway; they do not need that, it is a waste of money, it really is; they can use Canaveral Groves Boulevard, everybody uses it; they do not need it on his street because it is a quiet street and a great neighborhood; and it is really a sad thing that is being encroached on them, and he knows they cannot do much about it.

F.3. Resolution and Lease Agreement, Re: Office Space for the State of Florida Department of Environmental Protection

Sandra Sullivan commented this is regarding the Florida Department of Environmental Protection (FDEP) lease at the municipal building in District 2; the amount of picking up the garbage in the office she thinks it was something like \$20 in there; the County is not even really charging them rent, it is just charging them for electricity; but there is a maintenance fee of the building; and that building is in really crappy condition. She continued by saying it is deplorable that the County allows buildings to degrade to such a deplorable level; if someone is renting, at least they should pay for the overhead of what it really costs to rent in that building, because there is maintenance on that building, roofs, A/C, flooring, and whatever needs to be taken care of; and she reiterated that building is disgusting.

F.1. Approval, Re: Interlocal Agreement with the City of Cocoa Incorporating a Specified Area into District 1's Road and Bridge MSTU (continued)

The Board approved and authorized the Chair to execute the Interlocal Agreement with the City of Cocoa; and approved and granted legislative intent and permission to advertise an ordinance to modify the boundaries of the District 1 Municipal Service Taxing Unit (MSTU).

Result: Approved
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.2. Approval, Re: Dedication by Warranty Deed for Tract D of Village 2 Neighborhood 2 and Bill of Sale from The Viera Company, all Related to Lift Station W43

The Board accepted the Warranty Deed for Tract D of Village 2 Neighborhood 2 and Bill of Sale from The Viera Company, all related to Lift Station W43.

Result: Approved
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.3. Resolution and Lease Agreement, Re: Office Space for the State of Florida Department of Environmental Protection (continued)

The Board executed and adopted Resolution No. 24-002, authorizing a Lease of County property to the State of Florida Department of Environmental Protection; approved the Lease Agreement allowing the non-competitive lease of County property at the Brevard County Government Center Service Complex located at 2575 N. Courtenay Parkway, Suite 104a, Merritt Island to the State of Florida Department of Environmental Protection; and approved the County Manager to execute the 10-year Lease renewal.

Result: Adopted
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.4. Approval, Re: Budget Change Request

The Board accepted the Budget Change Request.

Result: Approved
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.5. Resolution, Re: Setting Forth the Findings and Conclusions of the Board of County Commissioners for the Denial of a Request for a Change of Zoning Classification from RR-1 to AU on Property Owned by FL & NC Investment Properties LLC

The Board adopted Resolution No. 24-003, setting forth the findings of fact and conclusions of the Board pertaining to the denial of a request for a change of zoning classification from RR-1 to AU on property owned by FL & NC Investment Properties LLC.

Result: Adopted
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.6. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards

The Board appointed/reappointed **Paula Beckner** to the Historical Commission, with term expiring December 31, 2025; **Steven Darling, Jr.** to the North Brevard Commission on Parks and Recreation, with term expiring December 31, 2025; and **Julie Braga** to Tourist Development Council, with term expiring October 7, 2026.

Result: Approved
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.7. Acknowledge Receipt, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder, as submitted.

Result: Approved
Mover: Rita Pritchett
Second: John Tobia
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

G.1. Resolution, Re: Petition to Vacate Public Utility and Drainage Easement- 4283 Turtle Mound Road - "Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two" Plat Book 37, Page 98-100 - Melbourne - Ronald M. Robin, Jr.

Chair Steele called for a public hearing to consider a petition to vacate a public utility and drainage easement at 4283 Turtle Mound Road - "Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two" Plat Book 37, Page 98-100, Melbourne, as petitioned by Ronald M. Robin, Jr.

Marc Bernath, Public Works Director, stated there are no issues; and this is for the vacating of five and one-half of a 10-foot wide public utility easement to allow for a garage to remain and remove it as an encroachment.

There being no comments or objections heard, the Board adopted Resolution No. 24-004, vacating a public utility and drainage easement at 4283 Turtle Mound Road - "Windover Farms of Melbourne, P.U.D., Phase Five, Unit Two" Plat Book 37, Page 98-100, Melbourne, as petitioned by Ronald M. Robin, Jr.

Result: Adopted
Mover: Rob Feltner
Second: Rita Pritchett
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

I.1. Board Approval, Re: Authorization to Accept Donation from Ron Jon Surf Shop for Lifeguard Equipment Storage Facility; Adopt Resolution of Recognition and Commendation of Ron Jon Surf Shop

Richard Heffelfinger stated he appreciates the phone call; he had people try to explain this to him; he does not have a problem with that; but there are some people who have read some stuff into this, people who had trouble with the County paying for lifeguards; and now they see a facility to help the lifeguards. He noted it is a donation, and that is great; he loves it when somebody else picks up the tab, so he does not care; but he asked is it going to lead to other things; he advised he is for lifeguards, too; he asked is Ron Jon going to use that as free advertising; he does not really care if they do that; and they do something for the County, and the County does something for them. He remarked this is the new him for 2024; everyone should get along; he just wondered if the Board is entrenching, or if potentially in the future the County does not designate that it has got to be for safety; someone said Ron Jon could rent surfboards out of there, who knows what that turns into; he does not expect an answer; but that question will come up he is sure; and he expressed his appreciation for some people reaching out.

Chair Steele stated he does not know where these black helicopters come from; there is a business in Brevard County that knows there are public safety issues; he is just going to try to get this done; with the cultural grants in the beginning, the Board had to do away with the cultural grants program and go into the lifeguard issue; it then got into a whole, big situation with lifeguards, and that whole facility thing; and in addition to that, there is another issue coming up at some point in time called Drown Zero. He advised that Ron Jon came to him and asked what does he need to make the beaches safe; there was no caveat that they want to use it, nothing of that nature; he is giving credit to Eisen Witcher who worked out with Jacqueline Young from Endless Foundation; Ms. Young asked Mr. Witcher when meeting at Drown Zero what he needed to help them; and Mr. Witcher said what is really needed is a storage facility for lifeguard equipment. He explained Mr. Witcher made a suggestion to Jacqueline Young from Endless Summer who works for Ron Jon; Ms. Young went the next day to Ron DiMenna and told him there is a problem on the beach, no strings attached or anything of this nature, and she asked if he would donate \$80,000 to build a 30x30 foot storage place for the lifeguards; he remarked Mr. DiMenna said yes; and a person can point out all of the black helicopters he or she wants, or say whatever a person wants to say, but when a good business comes into this community and offers to give the County \$80,000, he believes this Commission is probably going to take it.

Commissioner Feltner asked what is going to be stored there; and he stated maybe that will shed light on that, no pun intended.

Chief Patrick Voltaire, Fire Rescue Director, replied side-by-sides, the portable towers that come up and down, and it is going to be built to withstand the hurricanes that do come through from time-to-time; but the various lifeguard equipment, the things they use, but the Utility Task Vehicles (UTVs) and All Terrain Vehicles (ATVs), things like that will be stored there.

Matthew Wallace, Public Safety Director, explained jet skis, communication equipment, life support systems they use, the medical equipment they use, and it will be a pretty robust storage facility for the County.

Commissioner Feltner commented he thinks there was a question about would things be potentially rented from Cherie Down Park; and he asked if that would be something that the City of Cape Canaveral would do, or is it something this Board would do.

Chief Voltaire responded this is strictly a facility for lifeguard equipment.

Commissioner Feltner asked if the future if they want to do rentals on that beach, is that something this Board would do, or is it something that the City would do.

Frank Abbate, County Manager, advised it would not be associated with the shed; and if anyone did anything there, it would not be associated with the shed.

Chair Steele mentioned he thinks it may have to go out for Request for Proposal (RFP) to ask for a vendor to do something in another facility; this has nothing to do with rentals; and this is completely in control of the Fire Department.

Commissioner Feltner pointed out in Cocoa Beach he thinks they have a couple of shipping containers for the umbrella rentals around Alan Shepard Park; his vague recollection is they have one vendor who is in charge of that; but he thinks the City of Cocoa Beach handles that, so he was just making that distinction that it maybe would not be something for the County in the future.

Chair Steele noted he thinks that clarity is needed today.

Commissioner Pritchett mentioned the County has had some problems with rip currents lately, so the Board needs to continue to focus on this to make sure that people are not drowning, that is just a good business thing; as far as keeping kids alive, it is just a good thing to do; if a person is playing politics here, if the opponent is saying to bring in lifeguards, he or she is going to say to get rid of the lifeguards; everyone needs to keep the politics out of it, as it is ridiculous; it is people's lives and kids; and anywhere the County can find the money to save lives, it always has to be top priority. She expressed her appreciation to Ron Jon; and she stated she hopes the other hoteliers or people making money on beaches would follow suit to help with this problem.

Sandra Sullivan stated the first thing she would say is maybe when the Board does its motion that it would never be rented to Ron Jon in the future as a vendor location; she asked for verification of who owns the All Terrain Vehicles (ATV), because it is her understanding that this is within Cape Canaveral's City jurisdiction; this is a County park, the County provides lifeguard services; that is at the very north end of the County; and if the Board has somewhere it wants to put a shed, it would make sense to be somewhere more central to where it can get those resources where it needs them responding, because she doubts that the County has the resources to have an ATV at all of the locations. She went on to say when she initially wrote about this, the County wrote to her and said that this picture she provided is what would be stored in there; there are 25 of these being ordered, and they will be installed by the time that shed is built; she has an issue when it comes to campaign contributions and she sees, for example, Commissioner Feltner took a campaign contribution from Ron Jon; then she sees voting up here; and it comes down to sometimes is this one of the things like the people saw with Canaveral Groves where a motion is made for \$100,000 to spend on widening a road, which is at 30 percent capacity. She noted it raises the question if that is really for the egress to Angelica rather than the developers paying for it; she asked if this is like laying the groundwork to use this for storage, but in a year or two down the road saying the County is not utilizing that shed, and to rent it out; it is like people will forget that it was Ron Jon who donated \$80,000 to the building, that is a lot of money, she is sure they want something back; and will the people see down the road when people are not paying attention to go out for an RFP to rent this out as a vendor.

Chair Steele advised he asked Ron DiMenna, the owner of Ron Jon Surf Shop, to join the meeting tonight, and he basically said this is a contribution from their hearts at Ron Jon, and he does not want to take credit for any of this.

Commissioner Pritchett stated for Grissom Road, and she saw that email when it came in, it is actually \$1.2 million; again, this started a long time ago; the capacity is getting shortened, and feasibility studies are being worked on; she guesses that road is going to have to be expanded; she is so glad Ms. Sullivan does not run District 1; she does not know what office Ms. Sullivan is getting ready to run for, but something is coming soon; and she can tell because it is getting so political up here. She remarked she should ignore the theatrics right now; as political season gets near, people, instead of communication, they just accuse and there is so much suspicion; Mr. Heffelfinger is welcome to call her anytime, as she enjoys talking to him; she will give him all of the information she has at anytime, she does not mind doing that; everybody up here lives in this community, he or she is working on trying to take care of the community, and trying to do the best he or she can; and there are learning curves of what can and cannot be done. She stated the main thing is to do what is best but causing no harm; someone is always going to be affected; hopefully, each Commissioner is supporting the majority of the voters; she is getting exhausted with someone who is suspicious of every single thing that is going on; and she asked the audience not to believe everything he or she reads, and to call their Commissioner and ask questions.

Chair Steele advised the Board has spent hours and hours with Fire Rescue, lifeguards, and everybody else in the world trying to get a very safe beach, so this has lead up to this contribution tonight; he will let staff explain it to the audience, and what will be happening after that; and the County is not buying 25 Drown Zero things, Endless Summer is giving the County 41 to be placed at every ingress and egress around, so it is a major thing.

Chief Voltaire expressed his appreciation to the Board for supporting the beaches and keeping them safe.

Mr. Wallace commented he echoes everything the Chief said; it is fantastic to have community partners that understand there are needs the County has for its residents and visitors who come to the beaches; stepping out to support the County, stepping out to support the beach programs to enhance safety as best as possible is absolutely a goal of public safety, and for everyone who works in Public Safety from Fire Rescue, all the way down to Ocean Rescue and to all of the lifeguards who are out on the beaches every day; it really goes down to them, those lifeguards who every day go out and train, practice, and execute the mission of saving lives; and to those the County owes all of the supplies and resources it possibly can give them to do their jobs to just make Brevard County a little bit better place to live.

Chair Steele read aloud the wording for the donation from Ron Jon, "Brevard County Board of County Commissioners sincerely appreciates Ron Jon Surf Shop's offer to donate \$80,000 for the construction and development of the dedicated lifeguard equipment storage facility to be located at Cherie Down Park, Brevard County. Brevard County is committed to enhancing the safety and well-being of those who enjoy our beaches, and the lifeguard equipment storage facility is integral to achieving that submission. The lifeguard equipment storage facility will significantly benefit our community and contribute to a safer environment for recreational beach goers. By providing close access to acquired equipment, the storage facility will allow for a faster, more organized response to aquatic emergencies. The Board finds that the lifeguard storage facility serves a public purpose, authorizes the County Manager to accept Ron Jon Surf Shop's generous donation on behalf of the Board, and directs the donated funds are to be used exclusively for this project and related purposes. Upon receipt, Ron Jon Surf Shop's donation

will be used to fund the development and construction of secure, weather-resistant 30x30 material structure."

Chief Voltaire stated additionally, it is being requested that the Board adopt a resolution recognizing and commending the generous donation from Ron Jon in support of beach safety.

Chair Steel read aloud the resolution.

The Board made a finding that the proposed Lifeguard Equipment Storage Facility Project at Cherie Down Park serves a public purpose; authorized the chair to sign the Letter accepting a donation in the amount of \$80,000 from Ron Jon Surf Shop to be used exclusively for the development and construction of the Life Guard Equipment Storage Facility Project and related purposes; executed and adopted Resolution No. 24-005, recognizing and commending Ron Jon Surf Shop for the generous gift to Brevard County; and authorized the County Manager to execute all necessary Budget Change Requests (BCR) or other administrative actions required to accept the donated funds and execute this project.

Result: Adopted

Mover: Rita Pritchett

Seconder: John Tobia

Ayes: Pritchett, Tobia, Feltner, and Steele

Absent: Goodson

J.1. Report, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated as the Board knows, the Legislative session has started; there have been discussions about any travel; and he does not know if any Board Member wants to request approval from the Board for any travel to Tallahassee related to the Legislative session.

Chair Steele advised he will probably have to make at least two trips up there, but before he does that, he will specifically give what the reason is for it; and there are going to be short-term rental bills coming up that is going to be devastating to the County.

Mr. Abbate explained it can be done in the budget, but he thinks in the past the Board has raised that issue, and asked to have a general approval to be able to go to Tallahassee for those trips ahead of time.

Chair Steele pointed out he will bring it back so everyone knows what he is doing and where he is going.

Commissioner Feltner stated to Chair Steele's point, so the Board is clear, something can happen with a bill overnight with the State, so that may be something that comes up quickly; and he asked if there is some action that the Board needs to take tonight.

Commissioner Pritchett noted it is in the Commissioners' budgets, so that is fine.

Mr. Abbate asked if the County Attorney is fine with that.

Morris Richardson, County Attorney, replied affirmatively.

J.5. Report, Re: John Tobia, Commissioner District 3

Commissioner Tobia mentioned that today is National Balloon Ascension Day; the useless Florida fact is the Florida State song, Suwannee River, also known as Old Folks at Home, was written by Stephen C. Foster in 1851; it was designated as the State song in 1935; Foster was reported to have chosen the term Suwannee because of its two-syllable cadence fit nicely into the music he had composed; the composer was not familiar with the Florida section of the Suwannee River because he never visited the State; and in 2008, the Legislature designated that a revised version of the lyrics be the official version. He went on by saying this day in Florida history, on January 9, 1855, Manatee County was created by an act of the Legislature; and during that time the population was 850 people. He advised the employee recognition is Alan Woolwich, Community Planner, Housing and Human Services Department; the reason it is a little unusual is the request was received from Commissioner Pritchett; Commissioner Pritchett said, "He is so pleasant, does such a good job, he is such a delight, and is a wonderful County employee;" he remarked Mr. Woolwich has been a Community Planner since 2006 to present; he was a Senior Planner in Planning and Development from 2000 to 2005; and he was with the Florida State Department of Community Affairs, Florida Keys ACSC Senior Planner from 1994 to 1999. He continued by saying Mr. Woolwich is a member of American Institute of Certified Planners since 1999, and member of the Florida Chapter of American Planning Association in Atlantic Coast Section; his education is Connecticut State University and graduate studies at University of Hartford; even though he has a County job, he participates in extracurricular activities, Space Coast Transportation Planning Organization (TPO), Bicycle, Pedestrian, and Trails Advisory Committee, currently the Vice Chair, Space Coast TPO (SCTPO) Vision Working Committee, SCTPO Long-Range Transportation and Transit Master Planning Working Committee, and active in community planning work over several years in the Florida Volunteer Corp and United States Agency for International Development (USAID) in the Caribbean and Central and Southern Haiti; and his interests, which he found most interesting, are kayaking, trail biking, saltwater and freshwater fishing, birding and wildlife watching, landscape photography, military history and aviation, raising tropical fruit, star fruit, and mangos, this is where he is going to ask Mr. Woolwich to speak a little bit, working with local breweries, including fruit and ales, pilsners, and lagers, men's college basketball and baseball UConn Central Connecticut and University of Central Florida (UCF), high school and prep basketball, the Washington Nationals baseball team, and the Baseball Hall of Fame in Cooperstown, New York. He pointed out, Mr. Woolwich is clearly well-versed and does a lot, not only for the community, but fellow Commissioners.

Alan Woolwich expressed his appreciation to the Board for its recognition; he stated it is nice to meet some of the Commissioners and get to know him or her; he expressed his thanks to the Board for its support given to his Department, programs, and the Director, Ian Golden; and he advised he works with some great teams through his Department, as they do many different things, and for their partnerships with other departments and agencies throughout the County, as they cannot get things done by themselves. He explained he has been around for a long time, and anticipates being around to help the County do some more things with Affordable Housing, transportation, and infrastructure things, especially working with the older neighborhoods.

Commissioner Tobia asked where Mr. Woolwich's fruit goes to, to which local breweries.

Mr. Woolwich replied Intracoastal Brewing in Melbourne/Eau Gallie; they are in their 10th anniversary; he worked with their brew master even before he became their brew master; they had a professional event there, so they started talking; he told the brew master he grew fruit, and asked him if he would be interested; and he said yes, when it was harvested to bring it in. He noted he has also worked with Beach Fly Brewing in Rockledge; mostly, it has been with the

star fruit; it is very subtle, but very popular; it is nice working with new entrepreneurs and developing businesses; he is able to see the fruits of his labor; and others really appreciate it.

K. PUBLIC COMMENTS

Charles Tovey provided some pictures to the Board; he stated Roberts Rules says Public Comment is the germane duty of the Board, and it is very important; if he was a Commissioner, he would welcome anybody, and he wants to hear what anyone wants to say; he is a disciple of the Lord Jesus Christ, his savior; and he has done several programs and other things, which he does not include. He went on to say he is a weirdo, not usual; taxpayers are going to pay if he wins; he does not come to meetings because he has a risk when he comes here; they go through his house every time he leaves; Sheriff Wayne Ivey's men let them do it; he has to fix the way it was or he cannot do it; and that is what Tom Sullivan said. He noted he bought the place to modify it, have a life, liberty, and pursuit of happiness, and wife and kids; but that did not happen; the same night of the arson, his neighbor the criminal, always comes back, and sure enough; he stopped him by yelling; and it is still smoking. He stated if he says vacuum, they call the Sheriff, his neighbors and everyone imposing; one of those lights here, that is the property; he cleaned out his property; he showed in the picture that it was the mirror in his bathroom Tuesday meeting at Viera; the fire was the night before the meeting and the grand opening of the building; and the picture shows the tree that fell and smashed into his garage. He explained that is from the erosion and all the water and everything; the guy who burned his house down has been excavating his property for years and no one does anything about it, about anything; he has a picture of a car that is not supposed to be on his property; but they are there all of the time. He stated everybody lets them do anything they want to do.

Mary Nail stated she comes fresh from a meeting that was Parks and Recreation; at that meeting there has not been a quorum since October 25, 2022; the reason there has not been a quorum is because Parks and Recreation tends to be local, so the people of Cocoa Beach are concerned about District 2, Merritt Island, and so on; in Titusville they have theirs, and so on; and today Betty Wells from District 1 was in attendance there, and she agreed with her. She continued by saying it was not broken, so it did not need fixing; it was fixed so they would no longer meet in their local areas; she did not miss one single meeting when there were local meetings in District 2; she has not been able to get here as she is a little handicapped; and apparently, there are a lot of other people who could not make it either. She commented there was a situation and they were all meeting in their Districts, and someone did a study and decided that because a lot of boards did not meet, that meetings should be done away with and to take this recreation board, which was quite successful, and make them all come here; she respects the other Districts; but they are not going to have the heart for the situations that they have in District 2 and likewise. She stated she hopes the Board revisits this; she hopes it will consider returning the recreation boards back to the people, because a government that is the best is a government closest to the people; the Board voted for it to be this way, and it is not working; it is broken; and it was not before. She advised she designed and built Florida's first, most energy efficient house in 1982; she has 70,000 hits on YouTube; it was narrated by Paul Harvey; she said it was never going to be over, over there; and it is not.

Janice Scott commented she is from Cocoa Beach; it is 25 miles to get to this Government Center to meet about the Parks and Recreation in District 2; she has talked with some of the people in Malabar, and they do not know anything about the beaches; West Cocoa Recreation knows less; District 1 has federal parks up there taking care of their beach; and that is a whole different subject. She went on to say she made this same pitch to the Parks Committee tonight; she would like the Board to look at Florida Statute 161.01 that addresses funding for Florida beaches through tourism money; basically, Florida Department of Environmental Protection (FDEP) has issued some new legislation also; in their beach re-nourishment section they talk

about re-designating beaches that have more than 100 parking spaces as premium beaches; that money would pay for the services they are getting at those bigger parks; and she would like to suggest that Lori Wilson, Pelican, Spessard Holland, and Canova be given those designations. She noted she is not for giving these parks to the municipalities, because over time they do different things, have different ways of looking at things; but she is also opposed to getting charged as a municipal resident; she pays County taxes, and then they want Cocoa Beach; and she and Commissioner Goodson have had several chats about this, for the residents to pay for lifeguards in Cocoa Beach. She remarked she is for public safety, but many of these drowning's, if a person looks at the statistics, are after 5:00 in the afternoon when the lifeguards are off-duty, so unless the County is going to provide 24/7 coverage of the beaches, that would be a problem; Brevard could charge \$75 for an annual pass from anyone in the County, just like Collier County, and Naples City have done that; and then everybody can come to those beaches, wherever he or she is from, and pay for the services. She explained right now Lori Wilson, Trip Advisor says it is the best free bargain in the State of Florida; she asked why the County is paying for those people to go there; she stated the local residents cannot get in there after 8:00 in the morning on a good weekend; she asked the Board to look at Spa Park again in South Patrick Shores, the old Lunds Beach; she is a victim of that predatory towing that went on during former Commissioner Mary Bolin's tenure; and she thinks now is a good time to re-negotiate with that man.

Richard Heffelfinger stated on his comment card he said this is his review; he is a little disappointed that the Board approved the Interlocal Agreement, because when that different road is put in, the Board will have to amend it to include the new road; no, the Board will not, as that is going to be a city road and it will not have to do that; the County needs an Interlocal, because that is the way to get paid for the extra traffic on its roads; if the County does not have anything, then it can tell the City of Cocoa it does not owe the County anything, because they are not driving on their roads; he does not know; and he has not seen anybody talk. He continued by saying he does not know who has made agreements or who approved the traffic on James; he asked who is paying for that; he stated he thinks the developer is paying for that; he asked who paid for the turn lane at the end of Friday Road; he advised he is not complaining; and he understands it was \$400,000. He commented he would hope the Flying J would have paid for that or the guy who is building the storage facility there; he hopes they paid for that road and it was not paid for out of tax money; they impacted the County, so they pay; he asked if that is how it is supposed to work; the residents will have to deal with the Friday Road traffic; he thinks it should tunnel underneath, put it underground; and everyone can drive their carts on that. He noted he thinks a lot of people in his community would say they want a subway, and they will have that as a cart path. He mentioned that is insanity to have that as a cart path, that is black helicopter talk, no it is not, and they can do their thing; he stated he has nothing against the City of Cocoa; they need revenue; that place needs some decent taxpaying people there, but they cannot ruin his life; he asked if they would be willing to pay for him a 20-foot sound barrier wall in his backyard; and he asked why the communications cannot be opened up and to talk about this. He went on to say there is already some people back there in this development that he knows the City has probably convinced them to annex; maybe they are getting free taxes; he asked can they do that; he stated he knows they have to ask him and he has to agree; he is pretty sure that is true; they have to get to him first, they have to get all of his neighbors to roll; there are a lot of people on James Road; he asked if they all think that, that was the greatest idea they had; he stated he has no problem as long as the County puts traffic-calming devices; and he does not know if the County asked them. He stated he realizes the Board does not answer questions, but this is the conversation the Board should have; he would love a town hall there to talk about this kind of stuff; anybody up on this dais, it is open to the public, and they have some candidates coming, trying to open up the lines of communication, because they are willing to work with the County; but do not ram stuff down their throats that is trashing their houses.

Chair Steele stated he thinks the Commission really appreciates the public comment area; unfortunately, this is not ask a question and get an answer; there are ways to help him with those issues later on; he advised for Mr. Heffelfinger to give him a call to help him to try and figure a way to talk to the developers and other people that may help him later on; the Board cannot sit here and answer a question when an individual comes up with one, because one thing that could be said is Chair Steele just said, it is done blah, blah, blah; and it is not a question and answer.

Mr. Heffelfinger replied they can talk about what they can do; and he appreciates Chair Steele offering that.

Sandra Sullivan expressed her thanks to Chair Steele for keeping his promise to the Governor not to run for District 5, as she saw his post.

Chair Steele noted it is actually because of his wife.

Ms. Sullivan stated on one of the pages in the Stipulated Agreement says input from the property owners along James Road will be solicited by the County, regarding the location and replacement of traffic-calming devices, and maybe a public meeting would be in order. She mentioned she wants to talk about the big picture and what is going on; she has been coming here for five years; this entity, Brightline, which carries a lot of weight, and their lobbyists, are pretty influential in Brevard County; she has seen over the years the Brightline votes; they would sit in the front row and most of the Commissioners, except Commissioner Tobia, would vote in-line with what these lobbyists wanted; there was a meeting here where they wanted a government-rated bond; Brevard was in a position of leverage to get a better deal, but that was thrown away; and she respects Commissioner Tobia for voting no on that. She went on to say she sees a lot of lobbyist influence, there is an agreement with no MSTU being paid into for 16 years; there has been nothing paid towards these road improvements; she thinks that is really important; and she thinks engagement with the community is important in what is going to be done. She stated she wants to tie in how this ties to Central Florida Expressway Authority (CFX), because Brightline runs along CFX; last night she attended a patriots meeting in District 2 where Commissioner Goodson spoke about CFX not coming to Brevard now, according to its website; she looked on the website last night and lo and behold what she saw was a map with State Road 528 marked as toll road CFX 528; and they have the whole thing marked as a CFX road all the way to the Port. She mentioned the Board has reports, she would love to see the boards they sit on, and provide an update on what is being done on those boards; unfortunately, Commissioner Goodson is not present tonight to speak about CFX; the public has spoken very strongly in opposition of SR 528 being a toll road in Brevard, or any of the roads; they wanted four east/west corridors through Brevard; they wanted SR 520, SR 528, US Route 192, and a fourth road they want to build; this is very shortsighted; she asked for the Board to consider a legal opinion, there is no allowance to have two one-half cent sales taxes, go look into that, and do away with the School Board tax because they both sunset at the same time; and there is the one-cent infrastructure tax and that infrastructure tax is for infrastructure, transportation, sewage, and the Lagoon.

Katie Delaney stated she called Commissioner Pritchett's office three times in the past two weeks to speak on this issue.

Chair Steele interrupted by saying he just told Mr. Heffelfinger that this was not a question and answer situation. He stated if there is a public comment Ms. Delaney would like to make, that is fine; but they are not getting into wanting an answer from Commissioner Pritchett on this. He apologized; and he advised Ms. Delaney to make her comments without questions.

Ms. Delaney explained that is okay because it is not really a question, it is just a statement to please give her a call back, so that she can communicate with her Commissioner, that would be really great; this is a very important issue in her community; she lives there, she has animals and kids, and her community has the same type of lifestyle that she has; she moved there for that reason; there is not an emergency services issue like the property south of SR 528, because there is an awesome Brevard County Fire Department in Canaveral Groves, and they do a phenomenal job; and she reiterated they do not have an issue with emergency services. She went on by saying there is not a lot of crime in her neighborhood, because there is no access out to the main roads; just like one of the previous speakers showed on the overhead of the map, there are other options than cutting straight through Angelica Street; and based on the documentation seen, the Commissioners are the deciding factor of where these roads go, not the City of Cocoa. She asked for the Board to do what is in the best interest of the people and not these developers; she stated they can develop their land all they want, that is fine, and that is their property rights, but the residents have property rights as well; the residents have a quality of life that they should be able to hold onto; nobody is opposed to development, and that is understood moving forward in the future; they need homes for people to live in, but it needs to be responsible development; and it is not responsible to have seven to 800 vehicles cutting through a rural road. She mentioned according to the census it is a rural community. She asked the Board to keep that into consideration when it decides to vote on where these roads are and to please not destroy their way of life.

Upon motion and vote, the Board adjourned at 5:27 p.m.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Tobia, Feltner, and Steele

Absent: Goodson

ATTEST:

RACHEL M. SADOFF, CLERK

JASON STEELE, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board April 4, 2024.